

**MINUTES**  
**GREEN BAY PLAN COMMISSION**  
**Monday, May 12, 2014**  
**City Hall, Room 604**  
**6:00 p.m.**

**MEMBERS PRESENT:** Maribeth Conard, Linda Queoff, Ald. Jerry Wiezbiskie, Tim Duckett, and Tim Gilbert

**MEMBERS EXCUSED:** Sidney Bremer

**OTHERS PRESENT:** Paul Neumeyer, Kim Flom, Ald. Mark Steuer, Ald. Chris Wery, Jerry Hanson, Jenny LaValliere, Kyle Hanson, Mike Smullen, Barry Muller, David Boyce, David Dohoian, and Andrew Fabry

**APPROVAL OF MINUTES:**

Approval of the minutes from the April 21, 2014, Plan Commission meeting

A motion was made by L. Queoff and seconded by T. Gilbert to approve the minutes from the April 21, 2014, Plan Commission meeting. Motion carried.

**COMMUNICATIONS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

1. (ZP 14-13) Discussion and action on the request to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1804 South Ridge Road, submitted by Kyle Hanson (Ald. C. Wery, District 8)

Ald. J. Wiezbiskie stated he has an issue with the way the agenda has been set up. At the last meeting, Plan Staff was requested to come up with Transient Residential requirements, which will be addressed in item 5. This should be addressed before any TRP's are discussed and item #1 may fall under item #5. He was informed that the Plan Staff has a short term solution at this time and that a long term solution would have to be considered as part of the Comprehensive Plan update. He would like to see a long term solution come to this body before actually having any more TRP requests.

P. Neumeyer stated we cannot offer a long term solution at this point and best they can offer is a short term solution. He knows the Plan Commission was hoping to find some options for guidance in dealing with the TRP's.

L. Queoff stated people have come to this meeting to be heard and should be given the option to speak. They should go ahead with item #1.

M. Conard stated she agreed with Ald. Wiezbiskie regarding the short term and long term solutions; however, does not feel that item #5 will affect Item #1.

P. Neumeyer stated they could discuss item #5 before Item #1.

Ald. J. Wiezbiskie suggested that items 1 and 5 be tabled until Item #5 is developed into a useful tool.

T. Gilbert stated he thinks the people should be heard and item #1 should be discussed.

T. Duckett stated Item #5 should be heard first.

**INFORMATIONAL:**

5. (TA 14-04) Request of the Plan Commission to review the Transient Residential requirements.

P. Neumeyer stated the Commission asked Plan Staff to come up with some options or an ordinance for condition requirements for TRP's. They did meet with Commissioner Bremer prior to this meeting. It was decided not to do an ordinance change as they felt there were sufficient requirements within the current TRP standards. They did talk about having a policy, or a guide, when discussing TRP's. At this time there have been a total of 11 requests since 2009, 8 approved, 2 denied and one pending here tonight. The general policy idea would concentrate on saturation. This is the area along Shadow Lane backing up to Lombardi Avenue and allowing no more than 50% of that lot to be built on transient residential uses. They would discourage other developments in the area. They believe the current TRP Ordinance is working and is a good tool to regulate these requests. Plan Staff is offering a draft policy regarding Transient Residential Uses to use as a baseline for any new TRP's that are submitted. There is not recommendation or action needed for this item. This would be a policy the Commission could just accept and modify as needed if there were any additional concerns.

M. Conard asked when looking at TRP's, how large of an area are we looking at, is it City wide or just this general neighborhood.

P. Neumeyer stated the focus has been on Shadow Lane and will primarily focus on Shadow Lane; however, it but does apply City wide.

T. Duckett asked if all the requests they have had have been in Shadow Lane area.

P. Neumeyer stated that was correct, however, the current request is off of South Ridge.

L. Queoff asked for clarification regarding the last paragraph of the Policy Guide. She is asking how they are going to "discourage" to avoid saturation.

P. Neumeyer stated applicants will be notified the Commission has a policy. We will not dictate what the outcome will be, but will share what the past outcomes have been. They will be informed to apply and take their chances on whether it will be approved or not.

T. Duckett asked if they developed a long term policy if they would have to change the zoning of the entire code area.

P. Neumeyer stated it would be a challenge to change but could be discussed as part of a long term land use.

Ald. M. Steuer asked P. Neumeyer if the saturation referred to the parcels themselves on Shadow Lane, between Ridge and Oneida, which is about one third saturated already or would it include properties farther east.

P. Neumeyer stated the geographical boundaries we are talking about are on Shadow Lane between Frank Street and South Oneida Street. The other requests that come in will be addressed on a case by case basis.

Ald. C. Wery gave information regarding the approved TRP's in the neighborhood. He stated he liked the idea of the policy. He said a discussion is needed on possibly rezoning a portion of the neighborhood.

Ald. Steuer wanted clarification on what would be considered 12 events per year as there are 18 football games a year.

M. Conard stated that it was to her understanding that these properties can be rented for any reason.

P. Neumeyer stated anything under 28 days requires a CUP. If you are beyond that then that is considered a month to month, which is not regulated.

K. Flom stated they are hoping to do a Comprehensive Plan update this year and will definitely consider this issue as something that they can get feedback on for this particular zone. This policy will still allow for flexibility and opportunity for applicants.

M. Conard asked if any new TRP's that come forward should be taken and discussed on a case by case basis. Also, if what could happen here and at the City Council level may end up driving what happens in the Comprehensive Plan.

K. Flom stated that is correct. The CUP and standards put into place by the ordinance do allow for the greatest amount of review and will certainly establish a trend.

T. Duckett asked about the City's tax base level and if the properties that have approved TRP's increased.

P. Neumeyer stated he was not sure how the City assesses those properties; however they do pay a prorated room tax as part of the ordinance.

J. Wiezbiskie stated the interest has grown for the transient houses. As we get more requests, would we be getting into more a spot zoning with the properties on Shadow Lane because they are all unique requests.

Jerry Hanson – 2168 Oakwood Drive: J. Hanson stated the Commission has set their standards and are currently spot zoning just by looking at the map of the 11 requests. He stated he does have an interest in this as he does own property on the North side of Shadow Lane. He didn't buy it for transient uses, but could be interested in the future. He would like to see the Commission keep their position / standards on the transient houses, but set some long term standards.

Jenny LaValliere – 1810 S. Ridge Road: She stated that if there are going to be these standards of being on a busy street, no neighborhoods around, then he (J. Hanson) is failing to point out that she lives immediately next door to the property with her son and there are other properties in the area. Most of the residences do not want a transient house near them.

M. Conard stated that the topic she is speaking on will be addressed next and that J. Hanson was speaking of the area and TRP's as a whole.

J. LaValliere stated she just wanted to make sure they know there is a neighborhood there. She feels that J. Hanson was misspeaking.

**NEW BUSINESS:**

1. (ZP 14-13) Discussion and action on the request to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1804 South Ridge Road, submitted by Kyle Hanson (Ald. C. Wery, District 8)

P. Neumeyer stated this is a CUP for a Transient Residential Use at 1804 S. Ridge Road. A map was shown in respect to the other TRP's in the neighborhood. This TRP is located slightly west of the existing Shadow Lane TRP's. The Comprehensive Plan designates this area as Low Density Residential Development and is currently zoned R1, Low Density Residential – single-family structures. In going through the Development Standards, there was nothing out of the ordinary regarding the responses to the standards. The applicant did submit an operational plan and is included with the agenda. The applicant did conduct a neighborhood meeting as part of the TRP Ordinance. Letters of objection were received and have been included in the agenda along with a petition from adjoining neighborhoods. Staff recommends approval of the request as it meets Development Standards as proposed.

J. LaValliere stated she opposes the request. She stated after learning about all the police calls regarding the party houses on Shadow Lane, she was unhappy to find out one was going in next door. There are 42 homes and 12 duplexes from Fisk to Ridge Road to Briquet. She has a petition with 54 signatures opposing the request. She is worried about her property value decreasing with a party house next door. She asked the Commission not to approve the TRP.

T. Duckett asked how long she has lived at the residence and if she too parks cars on Packer game days.

J. LaValliere stated that she has lived there since 2004 and she does have a small lot where she will allow up to 6 cars parked on her property.

Kyle Hanson – 1804 S. Ridge Road: K. Hanson stated he bought the house a year ago with the intentions of living there with roommates. He is now getting married and moving out of the area. He does have a family moving into the home on Saturday. However, in the event the family does not work out, he wants to keep his options open. He stated that he has room to park 14 cars on his property.

M. Conard asked K. Hanson if he would like it to be rezoned; however, if they table it tonight would be OK because as he has an interested party renting the home. She asked if he planned on hanging on to the house no matter what happens here tonight.

K. Hanson stated that was correct.

T. Duckett asked how long the new tenants signed a lease for.

K. Hanson stated it is for 1 year. He does not want to have this property labeled as a “party house”. There are ways you can discourage tenants from doing certain activities when staying over.

M. Conard stated his operational plan is very well detailed.

L. Queoff asked how the neighborhood meeting went.

K. Hanson stated it was on 02/15/2014. There were about six people who came to the meeting. He stated the Aldermen that attended the meeting were able to help summarize plans for the place. They came in thinking this was the worst thing ever and left feeling this was OK. Once people are open to listening, they may think this is not too bad.

J. Hanson stated this location would work out well for a transient house. He pointed that yes, J. LaValliere went to all these neighborhoods for signatures, however, only six people showed up at the meeting. He stated with the long term standards like a large backyard, on a busy Street would help limit TRP's in the area.

Ald. C. Wery stated that the applicant and his family are good people. However, the focus was on the property use; a residential home vs. a transient use. There are people who come into town wanting to rent a house rather than a hotel/motel to party during Packer games. He did speak to some of the neighbors and those he spoke to were opposed to the transient house. He is also opposed. In looking at the use, he wants to keep the backyards facing Lambeau.

T. Gilbert stated that some of the standards that have been set, the large backyards and a busy street, Shadow Lane was not always a busy street and has become a busier street due to these transient properties. The busy street is more of a coincidence rather than a standard. He also mentioned that most of the backyards on Shadow Lane are not that large. In his opinion, the standard that has been set has been that the transient properties have been contiguous with Lambeau Field with the backyards facing Lambeau Field. The TRP's that have been denied were largely because they do not butt up to Lambeau Field. It is getting to the point now where we are getting TRP's on Ridge and who knows where the next one will pop up. To consider properties that are not facing Lambeau Field and are further away should not be allowed. He is not going to support this request.

T. Duckett stated he doesn't have an issue if someone comes in with a good plan, will take of the property, and are good people. It is around the Lambeau Field and in a residential neighborhood. This is why we are here, to make these decisions. If there are problems, they can come back and the permit can be taken away. He stated he will support the request.

L. Queoff stated she cannot get past that the neighbors do not want a TRP next to them and the fact that K. Hanson stated he was OK with this not being approved since he has a family set up to move into the residence. She cannot support this request.

Ald. J. Wiezbiskie stated he bases his decision on the Neighborhood Associations and what the surrounding neighbors want to see. He stated he would not support the request and has to agree with Ald. C. Wery.

M. Conard stated this area as a whole at some point will change and needs to be addressed. She would like to wait to approve or deny any more TRP's until the Comprehensive Plan Update is complete. If we are addressing TRP's and they fit within what we have here, we are almost obligated to approve them. She does not feel comfortable doing that because of the neighbors and the whole area needs to be addressed first.

A motion was made by L. Queoff and seconded by T. Gilbert to deny a request to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1804 South Ridge Road. Motion carried 4-1 (Opposed T. Duckett).

2. (ZP 14-17) Discussion and action on a request to create a Planned Unit Development (PUD) at 1253-1257 West Mason Street to permit a minor and major auto repair, submitted by Barry

Muller, Dreamworks Auto & Truck Accessories Commercial Auto Body & Paint. (Ald. C. Wery, District 8)

P. Neumeyer stated this is a request for a Planned Unit Development (PUD) at 1253 – 1257 W. Mason Street. This property is across Franklin Middle School and close to Notre Dame Academy. This is a commercial corridor. The Comprehensive Plan shows this area as commercial uses and the property is currently zoned as C1 – General Commercial. A PUD was recommended by staff to address the potential intensity of the use. The PUD includes language to maintain the buffer area that is along Tilkens Street and adding additional landscaping create a transition area with residents to the south. The applicant did submit an operating plan. There are two components to this business, the auto repair and painting and the retail truck accessories. There also may be a limited sale of vehicles on the property. The applicant did conduct a neighborhood meeting that was lightly attended. Affected property owners within 200 feet were notified with no responses. Staff is recommending approval of this request subject to the draft PUD amendment.

Mike Smullen – 1239 W. Mason Street: M. Smullen stated he has a small medical office between Culvers and the subject site. He stated he did not know anything was going onto the property until B. Muller came to speak to him. His only concern is that there are already a couple of used car lots in the area. He wants to know how many cars will be allowed to be displayed for sale.

P. Neumeyer stated that there is a limit to the number of vehicles that can be for sale at one time, they would need to come back to get that number increased.

Barry Muller – 3290 Tarragon Trail: B. Muller stated the used car sales are going to be used more as a “filler” for his technicians to keep busy when they are slow. He plans on having a maximum of 10 cars for sale at the edge of the property. He may have a vehicle towed and there is a process they need to follow before they can begin working on the car. He has another facility on East Mason Street and is running out of room and is land locked where he can no longer expand. He opened his truck accessory retail back in 2003 and now needs the extra retail space to display accessories. This property is a good size building and gives him ample parking. He did send out invitations for a neighborhood meeting. He does have some plans for the back side of the building to help buffer the neighbors from seeing the back parking lot. His goal is to bring some life into a building that has been vacant for some time and put out a nice product for his new neighbors.

M. Conard asked if the cars towed will be sitting in the front lot and what is the appropriate amount of time before they are taken inside. She also wanted to know how many cars will be sitting outside in back.

B. Muller stated no, those vehicles will in the back lot. It would be a maximum of 5 days from the day the car is towed to the day it is in production. If the vehicle does not meet production, he will move it indoors. He has 2 designated areas for non-drivable vehicles; so just two. The remainder of the vehicles will only be there as customers come in and drop vehicles off.

T. Duckett asked how many vehicles they can take care of at one time in the building.

B. Muller stated he does not know how many total vehicles as it is larger than his current facility. He currently can work on 15 – 20 cars a week. Vehicles do come and go throughout the week. The only time they would be sitting outside is when customers drop off and pick up their vehicles and those that park to visit the retail shop.

Ald. M. Steuer stated one of his concerns is noise level. What kind of extra noise would be created within the area?

B. Muller stated all of his equipment is indoors and there are very few exterior doors facing the residential side of the building. He stated he has no overhead intercom system. He stated he hopes to have his parts storage towards the back of the building and then no production will be done back there at all.

David Dohoian – 1863 Little Valley Ct: D. Dohoian stated he represents the current property owner and that they do support the current applicant and the request. He wanted to make sure that any action taken tonight is subject to the actual ownership change.

Ald. C. Wery stated this property is about a half a block from his district. He stated that one neighbor has some concerns, however, spoke to B. Muller and no longer has any issues. The only other issue they have is deliveries off Tilkens Street, however, heard that was not the case.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Duckett to approve a request to create a Planned Unit Development (PUD) at 1253-1257 West Mason Street to permit a minor and major auto repair. Motion carried.

3. (ZP 14-18) Discussion and action on a request to amend the Planned Unit Development (PUD) for an expansion of the Badger State Brewing Co., LLC, 990 Tony Canadeo Run, submitted by Andrew Fabry, Badger State Brewing Co., LLC (Ald. G. Zima, District 9)

P. Neumeyer stated this is a request to amend an existing PUD that was done two years ago along Tony Canadeo Run. The current property is a multiuse property and is part of a transitional area from industrial to commercial. The Tundra Lodge is located to the east and Lambeau Field to the west. The Comprehensive Plan designates this area as Commercial with the existing zoning as General Industrial. The amendment will allow for both the expansion of the Badger State Brewing Company and the elimination of any off-premise signage requirements from the previous PUD. The existing use is about 3300 square feet and they want to expand up to 19,000 square feet in size. The expansion will include more brewing space, a tasting room, two exterior 21 foot grain silos and additional office space. Affected property owners were notified of the request. We did not receive any calls or questions regarding the request. Staff is recommending approval of the request subject to the draft PUD amendment.

A motion was made by Ald. J. Wiezbiskie and seconded by L. Queoff to approve a request to amend the Planned Unit Development (PUD) for an expansion of the Badger State Brewing Co., LLC. Motion carried.

4. (TA 14-01) Discussion and action on a request to amend Chapter 13 regarding the regulation of solar energy systems, submitted by Jesse Michalski, Eland Electric.

P. Neumeyer stated the applicant has been before us in the past with several solar energy systems installations. This change would include modification to the single and two-family uses. The applicant has some concerns and questions regarding the current ordinance and feels it is not compliant with State Statutes. Some of the changes have now limited the City's ability to regulate the solar energy systems relating to aesthetics and screening. Some of Jesse's concerns are addressed as part of the ordinance. Some of his comments include:

- 13-1611 (c) (1), flat roof system: requirement of screening would likely cause shading on the solar panels and violates Wisconsin State Statutes due to increased costs and decrease the efficiency.
- 13-1611 (c) (2), violates Wisconsin State Statutes by requiring the system to blend in with the color of the roof or wall.

- 13-1611 (d) (4), clarifies interconnection to the utility and assures the city the system is being installed per WPS's requirements.
- 13-1611 (e) (1), not requiring site plan review unless those systems are required to obtain a Conditional Use Permit (CUP). Staff disagrees with this change and proposed no change be made to this section.
- 13-614 Table 6-3, Permit flush mount systems in the R1, R2 and R3 districts, currently requires a CUP.

The one thing they did not agree with him on was 13-1611 (e)(1). However, he was informed they would like to see a full site plan review, building permits, and electrical permits issued for these facilities. In that case this would eliminate 13-611(e)(1) from the ordinance. The big change the applicant is looking for is flush mount solar energy systems on roofs. Currently they have to come before the Commission to get a CUP. This would negate the CUP's on Emilie Street and 9<sup>th</sup> Street. Staff is supporting the request as proposed in the draft ordinance.

M. Conard asked if anyone would have to come for approval.

P. Neumeyer stated if they are ground mounted or pole mounted based they would still have to request a CUP. The roof type flush mounted would be the only one where they would not need to come in for a CUP.

L. Queoff asked if the applicant was present.

P. Neumeyer stated he was not.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Duckett to approve a request to amend Chapter 13 regarding the regulation of solar energy systems. Motion carried.

#### **OTHER:**

Director's Update on Council Actions

Kim Flom reported on the following items:

- The Common Council unanimously accepted the Plan Commission Report without taking anything off the agenda or adding any additional discussions.
- An application was received from Walmart to update/amend the Plan Use Development for the Larsen Green site. This item may be heard at Plan Commission on June 9, 2014 regarding a zoning ordinance.

#### **SUBMITTED PETITIONS: (for informational purposes only)**

A motion was made by L. Queoff and seconded by Ald. J. Wiezbiskie to adjourn the meeting. Motion carried.

Meeting adjourned at 7:40 p.m.